

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE

USED OIL PROCESSOR PERMIT

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ABSTRACT: *Emerald Services, Inc. (Emerald) is currently a used oil transporter operating in Utah under the used oil transporter permit UOP-0084-02. Its Utah offices are located at 2450 South 800 West, South Salt Lake City. Emerald has been permitted to operate two rail-based used oil transfer facilities in Salt Lake County under permits UOP-0086-03 and UOP-0087-04 for the purpose of transferring used oil from trucks to rail cars in order to ship it out of Utah, and vice versa. Emerald has also applied for and obtained a Utah used oil marketer registration (UOR-0077). This used oil processor permit would allow Emerald to store up to 149,750 gallons of used oil at its 2450 South 800 West facility in above-ground steel tanks located in a concrete-bermed tank farm, drums, and other containers located in concrete-floored warehouses. Emerald's Analysis Plan states, in part, that all used oil accepted by this facility shall be analyzed either by a Utah-certified laboratory or Emerald personnel using a Dexsil Corp. Clor-D-Tect halogen test kit to ensure that it does not have total halogen concentrations exceeding 1000 parts per million. Emerald initially submitted a used oil processor application for this application on September 10, 2004, with modifications received by the Division thereafter through September 21, 2004.*

PERMITTEE NAME	Emerald Services, Inc.
PERMITTEE ADDRESS	9010 East Marginal Way South, Suite 200 Seattle, Washington 98108 (206) 832-3000
FACILITY ADDRESS	2450 South 800 West South Salt Lake, Utah 84119 (801) 973-4131
FACILITY CONTACT	Jim Munnell, General Manager
TYPE OF PERMIT	Used Oil Processor Permit
PERMIT #	UOP-0090-04
EPA I.D. #	UTR000008021

The permit application submitted by Emerald Services, Inc. on September 10, 2004, and supplemental information regarding the permit application submitted thereafter through September 21, 2004, are hereby incorporated by reference into this used oil processor permit. All representations made in the permit application are a part of this permit. Where differences in wording exist between this permit and the application, the permit wording supersedes that of the application.

By this permit to operate, Emerald Services, Inc. (hereafter referred to as Permittee) shall be subject to the following conditions:

1. General Operation. The Permittee shall operate the used oil processing facility in accordance with all applicable requirements of R315-15 of the Utah Administrative Code (UAC) and of 19-6-701 et seq. Utah Code Annotated unless otherwise noted in this permit. Any noncompliance with the permit or rules, other than activities authorized by a variance from the Utah Solid and Hazardous Waste Control Board, constitutes a violation of the permit and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.
2. Prevention of Used Oil Releases. The Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are necessary to protect public health and the environment. It shall not constitute a defense, for the Permittee in an enforcement action, that it would have been necessary to halt or reduce the Permittee activity in order to maintain compliance with the conditions of this permit.
3. Average Daily Throughput. The Permittee shall be allowed under this permit to process up to 65,000 gallons of used oil per day. The operating throughput capacity of 8,000,000 gallons per year will be allowed under this permit. All used oil acquired for processing will be obtained from a permitted and licensed transporter/collector.
4. Processing Technology. The Permittee shall be allowed to store used oil in above-ground storage tanks, drums, and containers described in the permit application received by the Division of Solid & Hazardous Waste (the Division) on September 10, 2004. The Permittee shall also be allowed to filter used oil with a mesh to remove debris.
5. Inspection. The type of operation outlined in the permit application shall be followed. The facility will be subject to inspection by the State, the local health departments, or both. A record of the inspection may be made by photographic, videotape, electronic, or other reasonable means.
6. Inspection Access. Any duly authorized officer, employee or representative of the Utah Department or the Solid and Hazardous Waste Control Board may, at any reasonable time and upon presentation of appropriate credentials and upon providing the opportunity to have a representative of the owner, operator, or agent in charge to be present, enter upon and inspect any property, premise, or place on or at which used oil is generated, transported, stored, treated or disposed of, and may have access to and the right to copy any records relating to used oil for purpose of ascertaining the compliance with the applicable provisions of R315-15 and the Used Oil Management Act (19-6-701, et seq.).
7. Prohibited Waste. No quantity of hazardous waste, as defined by R315-1 and R315-2 UAC, or PCBs, as defined by R315-301-2(52), shall be accepted for treatment, storage, or disposal at the facility.
8. Revocation. Violation of any permit/registration conditions or failure to comply with any provisions of the applicable statutes and rules, shall be grounds for imposing statutory sanctions, including revocation of the permit or registration, denial of an application for permit or registration. The Executive Secretary shall notify, in writing, the Permittee of intent to revoke a permit or registration.
9. Effective Date. This permit shall become effective on the date the permit is signed by the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.
10. Expansion. Any expansion of the facility beyond the areas designated in the permit or permit application will require submittal of an amended permit application in accordance with the requirements

outlined in R315-15 UAC. The Permittee may not begin construction of any expansion until approval of the amended permit is received from the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

11. Location and Storage. The Permittee shall under this permit store used oil in above-ground steel tanks in a concrete-bermed area at their facility address of 2450 South 800 West, South Salt Lake, UT 84119. The Permittee may also under this permit store used oil in smaller containers and drums in warehouses at this address. The type, number, and location of tanks, drums, and containers used for storage of used oil at this facility will comply with the permit application received by the Division on September 10, 2004. Used oil storage will comply with R315-15-5.5 UAC.

12. Training. Permittee shall provide and document contingency plan training for on-site supervisors and employees working with the operation, identification of used oil, and personal safety and protection.

13. Roads. All roads used for transporting used oil and product in and out of the facility shall be improved and maintained as necessary to assure safe and reliable all-weather access to the facility.

14. Security. A gate shall be installed and be kept locked at all hours when the facility is not open for business to prevent access to the site during hours when the facility is closed. Fencing or other measures shall be adequate and maintained to prevent access of unauthorized persons, vehicles, and animals by other routes.

15. Spill and Runoff Control. All dikes, berms, and retaining walls shall be constructed and maintained around all containers used to store or process used oil to prevent surface runoff of used oil and contaminated water. All such runoff will be diverted to a sump for immediate cleanup.

16. Sampling and Statistical Analysis. The Permittee shall follow the Analysis Plan submitted to the Division of Solid and Hazardous Waste on September 20, 2004, which describes procedures that will be used to comply with the analysis requirements of R315-15-4.5 UAC and, if applicable, R315-15-7.3 UAC. All used oil accepted by this facility shall be analyzed either by a Utah-certified laboratory or the Permittee using a Dexsil Corp. Clor-D-Tect halogen test kit to ensure that it does not have total halogen concentrations exceeding 1000 parts per million.

17. Maintenance and operation of facility. Per R315-15-5.3(a) UAC, the Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment. The Permittee shall inspect and maintain used oil equipment, containers, and tanks on a regular basis to ensure they comply with R315-15-5.5(b) and (c) UAC. Used oil drips and releases shall be identified and cleaned up immediately upon detection, and corrective measures shall be taken to prevent future releases.

18. Releases of Used Oil. In the event of a release of used oil, the Permittee shall immediately take appropriate action to minimize the threat to human health and the environment. The Permittee shall follow the Emergency Controls required by R315-15-9 UAC and the emergency spill containment plan submitted to the Division of Solid and Hazardous Waste on September 10, 2004.

19. Ground and Surface Water Quality Protection. The Permittee shall comply with the Rules, R315-15-1.3(e) and R317-8 UAC, prohibiting the disposal of used oil in ground and surface waters.

20. Closure Plan. The Permittee shall follow the Closure Plan submitted to the Division of Solid and Hazardous Waste on September 10, 2004, as modified on September 16, 2004, which describes

procedures that will be used to comply with the closure requirements of R315-15-11 UAC.

21. Recordkeeping. The Permittee or operator of the facility shall maintain all applicable records as required by R315-15 UAC and all records required by this permit on-site or at another location approved by the Executive Secretary for a minimum of three years. Records of all used oil transactions and certified analysis results shall be maintained on-site or at the approved location as required by R315-15 UAC.

22. Reporting. As required by R315-15-13.5(d) UAC, the Permittee shall prepare and submit an Annual Report to the Executive Secretary by March 1 of the following year which shall include the information required by the Annual Report for Used Oil Processors and Rerefiners (Form UO 003), including the operational status of the business until such time the company has ceased doing business and the closure of the business has been completed.

23. Liability/Financial Requirements. Prior to operation, the Permittee shall demonstrate financial responsibility as required by R315-15-10 UAC, and maintain liability coverage for any liability resulting from accidental spills on mishandling of used oil; e.g., bodily injury, property damage, and damage to third parties arising from operations of the facility or group of facilities. The Permittee shall provide the Executive Secretary with documentation before the expiration date of the current financial responsibility to verify that liability coverage is being maintained and renewed. If there is a change in liability coverage, the Permittee shall notify the Executive Secretary in writing 20 days prior to the change and provide documentation of the new liability coverage for approval.

24. Transfer. This permit may not be transferred to another party or parties without prior written approval of the Executive Secretary.

25. Permit Modifications. Modifications to this permit may be made by the Executive Secretary as necessary or as a result of statutory or regulatory changes. If the Permittee desires to make major modifications to the permit, the changes shall be submitted to the Executive Secretary for evaluation at least 30 days prior to the proposed change. If the Executive Secretary determines that the modifications are substantive, a public hearing, a 15-day public comment period, or both may be required before the modifications are approved. If the Permittee desires to make minor informational changes (e.g., telephone number, responsible party, mailing address, etc.), the Permittee shall notify the Executive Secretary in writing of these changes. The Permittee shall be given written notice of any permit modifications or approvals.

26. Reclamation Surety. The Permittee is required to comply with all applicable requirements of R315-15-12.

27. Other Laws. Nothing in this permit shall be construed to relieve the Permittee from the Permittee's obligation to comply with any federal, state, or local law.

Signed _____ Date _____, 2004

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board